



# Solomon B. Genet

Partner

**Commercial Litigation, Bankruptcy and Restructuring, Financial Fraud, Receiverships and Assignments, and Creditor's Rights**

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## About Solomon B. Genet

Solomon B. Genet, a partner with Meland Russin & Budwick and general counsel for the firm, focuses his practice on commercial litigation, corporate insolvency/bankruptcy and financial fraud. He has represented a wide range of parties in complex commercial litigation matters. He has also represented corporate debtors and alleged debtors, creditors, creditors' committees, equity holders and trustees / receivers in state and federal insolvency proceedings, often stemming from financial frauds and Ponzi schemes.

Sol is recognized in the Bankruptcy/Restructuring practice area in the 2016 and 2017 Chambers USA Guide, a prestigious ranking of the top attorneys in the country. According to Chambers (2016), he is noted for winning widespread market recognition with sources saying: "He knows the law very, very well, he's very smart and he's invested in cases." Chambers (2016) also quotes another interviewee as saying: "He's a tough but pragmatic guy who is extremely well rounded."

Chambers (2017) reports that Sol is “well known for his work in insolvency, financial fraud and commercial litigation,” and is “a very effective lawyer with a good reputation.”

Prior to joining the firm, Sol served as the Judicial Law Clerk for the Honorable Robert A. Mark, (then) Chief Judge of the United States Bankruptcy Court for the Southern District of Florida.

In addition to his professional legal experience, Sol was an adjunct professor at the University of Miami School of Law and the St. Thomas Aquinas School of Law. He has lectured and authored publications on bankruptcy and real estate-related issues.

Sol is also very involved in professional, community and charitable organizations. He is a member of the Board of Directors of the Bass Art Museum in Miami Beach, where he serves as the chair of the diversity sub-committee. He is a former Vice Chair of the Miami Beach Cultural Arts Council, founding member of the Miami-Dade County Mortgage Fraud Task Force, Board of Directors for the Miami Beach Police Athletic League and the Bankruptcy Court Local Rules Committee. He has served as the Chair of the Greater Miami Jewish Federation Real Estate Speaker Series and its annual “Sunset over Miami” event. He has also served as the Zone VI Vice President of the Florida Land Title Association.

## **Education**

- University of Miami School of Law, J.D., *magna cum laude* 1999
- Yeshiva University, B.A., 1996

## Awards/Rankings

- Recognized, *Chambers USA Guide*, Bankruptcy/Restructuring (2016-2017)
- The Daily Business Review: Most Effective Lawyer 2016 Finalist, *Bankruptcy Category*
- "AV Preeminent" Rating from Martindale
- 'Up and Comer,' Florida Legal Elite
- *Florida Rising Star*, Super Lawyers
- *Mover and Shaker*, *Business Leader Magazine*
- *40 Under 40 – Outstanding Lawyers of Miami-Dade County*, *Cystic Fibrosis Foundation* (when he was under 40)

## Publications

- "Your Contingency Fee May Be at Risk if Your Client Files for Bankruptcy," *Daily Business Review*, October 18, 2017.
- "HOAs in Florida: Issues and Analysis for the Real Estate Developer." *ActionLine*, the Florida Bar Real Property, Probate and Trust Law Section publication (*ActionLine*), Summer 2008.
- "Heter Iska; Does it Make a Loan not a Loan? An Introduction for Lenders and Borrowers," *ActionLine*, Summer 2007.
- "Closing Protection Letters in Florida: A Title Underwriter's Liability to the Commercial Lender," *ActionLine*, Winter 2006.
- "The Bankruptcy/Divorce Conflict: How Courts Have Used Constructive Trusts to Remedy An Inequitable Situation," *Annual Survey of Bankruptcy Law*, 2001-02 Ed.

- “*2nd Circuit Review*,” Norton Bankruptcy Advisor, March 2000.

### **Bar Admissions**

- Florida
- Southern District of Florida
- New York
- Southern District of New York

### **Languages**

- English
- Hebrew (conversational)

# Representative Matters

## Practice Area

## Representative Matters

Alternative Dispute Resolution

Solomon B. Genet was selected by the parties to mediate the adversary proceeding of J. Stuart Baker v. Howard Storfer and Elida Storfer, Adv. Case No. 12-1236-BKC-JKO. The mediation resulted in a settlement of all disputes.

Alternative Dispute Resolution

Solomon Genet served as mediator in an adversary proceeding filed in the U.S. Bankruptcy Court for the S.D. Florida, where a creditor challenged whether the debtor was entitled to receive a bankruptcy discharge. The plaintiff alleged criminal acts and fraud committed by the debtor, as well as the concealment of assets. The matter was successfully, consensually resolved at mediation.

Bankruptcy and Restructuring, Financial Fraud, Commercial Litigation, Creditors' Rights

Representation of bankruptcy trustee for two South Florida-based hedge funds that suffered \$1.1 billion in losses in connection with the \$3.5 billion Ponzi scheme perpetrated by Thomas J. Petters in Minneapolis, the third-largest financial fraud in U.S. history. Prosecuted more than 140 adversary proceedings, including claims for accountant and attorney malpractice and clawback of fraudulent transfers, as well as a \$1.1 billion conspiracy claim against one of the nation's largest financial institutions. Successfully prosecuted common law tort and novel fraudulent transfer claims against BMO Harris Bank, N.A. resulting in a recovery of \$16,000,000. Representation of client as one of three members of the Petters Company, Inc., Official Committee of Unsecured Creditors in Minnesota.

Bankruptcy and

Puig, Inc. - representation of the Official Joint Committee of

Restructuring, Financial Fraud, Commercial Litigation, Creditors' Rights

Unsecured Creditors and then the Plan Administrator in connection with 26 debtor affiliates in the business of condominium conversions. The asserted unsecured claims exceeded \$100 million. Prosecuted claims against third parties include actions for avoidance of transfers, professional malpractice, usury, fraud and breach of fiduciary duty.

Bankruptcy, Financial Fraud

Representation of a California-based fund, handled bankruptcy-related issues and worked with state court counsel to successfully obtain \$60 million judgment against an entity who operated a financial fraud. Also, obtained a \$17.5 million non-dischargeable judgment against the entity's principal in his individual chapter 7 bankruptcy case.

Bankruptcy, Restructuring

Successfully represented note purchaser in bankruptcy filing of obligor-debtor, a commercial real estate owner, resulting in full payment (including interest and attorney's fees) to the client in the millions of dollars.

Bankruptcy, Restructuring

Successfully reorganized a Miami-based international freight-forwarding company through the chapter 11 bankruptcy process. For various strategic reasons, speed was of utmost importance. The Plan of Reorganization was confirmed approximately 120 days from the Petition Date.

Commercial Litigation

Representation of high net worth individuals in navigating their business and financial interests, including through judicial proceedings, as they arise.

Commercial Litigation

Representation of the defendant in \$20 million fraud action in the Southern District of Florida stemming from a complex

corporate transaction which took place in Eastern Europe.

#### Receiverships and Assignments

A Florida District Court appointed MRB partner Peter Russin as Receiver over entities located in Wisconsin and Florida. The action was brought by the Federal Trade Commission and alleged that the bad actors operated a scam that lured consumers with promises of affordable health insurance but actually provided nearly valueless “medical discount” cards. The Firm is representing and assisting the Receiver in taking control of the receivership entities, investigating their operations and shutting certain of them down while allowing others to operate, and gathering assets for eventual distribution for the benefit of creditors.

#### Receiverships and Assignments

Represented a Florida District Court-appointed receiver in a Federal Trade Commission action against bad actors involved in a bogus health insurance scheme, which included deceptive practices that harmed consumers across the country. Assisting the Receiver, the Firm took control of, and evaluated the business operations, determined they should be shut down and did so, and gathered assets for the benefit of creditors. The receivership was transferred to a Texas District Court, where the Firm, assisting the Receiver, worked with a Texas receiver over affiliated entities and eventually terminated the receivership with a distribution made to priority creditors.

#### Receiverships and Assignments

Represented John Arrastia, as FTC Receiver in the U.S. District Court for the S.D. Florida. This court-ordered receivership took control over Florida and Texas-based entities that had perpetrated a telemarketing scheme preying on vulnerable consumers, including the unemployed and uninsured. The Firm represented Mr. Arrastia as he coordinated with the Texas receiver and law enforcement to (among other things) secure the physical

and electronic books and records, terminate the fraudulent operations and gather (and eventually distribute) assets for the benefit of creditors.

Financial Fraud

Appointed by the Miami-Dade County Circuit Court as Receiver for various entities involved in a financial fraud.

Financial Fraud,  
Bankruptcy

Representation of the chapter 7 bankruptcy trustee of an entity through which its principal operated a \$40+ million ponzi scheme. The principal has been sentenced to more than 15 years in prison.

Financial Fraud,  
Bankruptcy and  
Restructuring

Court appointed Mark S. Meland as Receiver for Innovida Companies run by Claudio Osorio. After discovering an approximately \$50 million fraud, ceased operations and filed Chapter 11 for numerous entities. Mark S. Meland was appointed the Chapter 11 Trustee and liquidated tangible assets. Firm serves as litigation counsel to the Chapter 7 trustee in numerous avoidance and tort actions seeking to collect funds for defrauded investors.